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FILED ON THE DOCKET

Honorable James Orenstein
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litig.*,
05-md-1720 and 14-md-1720 (E.D.N.Y.)(MKB)(JO); *Tedeschi Food Shops, Inc.*
v. Visa Inc., et al., No. 16-cv-00659 (E.D.N.Y.)(MKB)(JO); *Au Energy, LLC, et*
al. v. Visa Inc., et al., No. 16-cv-03360 (E.D.N.Y.) (MKB)(JO)

Judge Orenstein:

The Au Energy and Tedeschi plaintiffs hereby move the Court for leave to amend their Complaints in the above-referenced cases, each of which are stayed by consent. Copies of the enclosed proposed amended complaints have been served on defendants through File and Serve Express. Defendants have not consented to the amendments sought herein, but are in agreement that this motion does not violate the stays in place in each case.

Plaintiffs seek to amend their Complaints to the same extent sought by the Target Plaintiffs (*In re Payment Card Interchange Fee And Merchant Discount Antitrust Litigation* Case No. 1:13-cv-05745-MKB-JO; 1:14-md-1720(MKB)(JO)) and for the same reasons set forth in the Target Plaintiffs' motion for leave [Doc. No. 6737], which are incorporated herein by reference. As explained in the Target motion, the instant pleadings only seek to amplify Plaintiffs' allegations to address events that took place since the filing of Plaintiffs' original Complaints: the Second Circuit's recent decision in *United States v. American Express*, No. 15-1672, 2016 U.S. App. LEXIS 17502 (2d Cir. Sept. 26, 2016), and the overturning of the class settlement. Defendants can claim no delay or bad faith on the part of Plaintiffs in seeking these amendments, which are completely in line with and consistent with the amendments sought by the Target Plaintiffs as well as other individual Plaintiffs.

Respectfully submitted,

JMEvangelista

James M. Evangelista
Attorney for Plaintiffs

Cc: Parties of record in the ECF system

Enclosure:

Ex A.: Proposed Second Amended Complaint by Au Energy, LLC, et al.

Ex B.: Proposed Second Amended Complaint by Tedeschi Food Shops, Inc., Calloway
Oil Company, and E-Z Stop Foodmarts, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this day I served the above and foregoing letter motion and exhibits requesting leave to file an amended complaint on all parties by causing a true and correct copy to be filed with the court's electronic filing system, which should automatically send a copy to all counsel of record.

Dated: February 8, 2017

/s/ James M. Evangelista
James M. Evangelista